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Defendants.

ORDER

¹ Refers to the court's docket number.

1 systems in order to provide software support services to its customers. *See* Doc. #1. During
 2 discovery, the parties stipulated to a protective order for the disclosure of various documents which
 3 was approved by the court. Doc. #55. Defendants now move to modify the protective order.
 4 Doc. #539.

5 **II. Discussion**

6 In their motion, defendants seek an order modifying the protective order to allow defendant
 7 Ravin, the CEO and owner of defendant Rimini, to review all of Oracle's proposed trial exhibits
 8 that have been categorized as "Highly Confidential Information - Attorneys Eyes' Only."² *See*
 9 Doc. #539. Defendants argue that this modification to the protective order is necessary to allow
 10 defendant Ravin to prepare for trial. In support of their motion, defendants have submitted a
 11 proposed modified protective order. *See* Doc. #539, Exhibit A.

12 The court has reviewed the documents and pleadings on file in this matter and finds that
 13 modification of the protective order is not warranted. First, the court finds that there is not good
 14 cause to modify the protective order. As the moving party, Rimini bears the burden of showing
 15 "good cause" to modify the existing protective order. *See Intel Corp. v. VIA Techs., Inc.*, 198
 16 F.R.D. 525, 528 (N.D. Cal. 2000). To establish good cause, Rimini must demonstrate that the
 17 existing protective order, which has been in effect for over four years, will cause actual prejudice to
 18 its defense in this matter, rather than simply "increase the difficulty in managing the litigation." *Id.*

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 21 ² In the protective order, the "Highly Confidential Information - Attorneys Eyes' Only" designation
 22 is only used for "extremely sensitive, highly confidential, non-public information, consisting either of trade
 23 secrets or other highly confidential documents" the disclosure of which "would be likely to cause competitive
 24 or business injury to the Designating Party." Doc. #55, ¶ 4. Materials designated "Highly Confidential
 25 Information - Attorneys Eyes' Only" may only be shown to a limited number of individuals including counsel
 26 to the parties in this action, in-house counsel for the corporate parties, the author of any such material, witnesses
 who had previously seen the material prior to the initiation of the lawsuit, expert witnesses, the court, and any
 of other person upon order of the court. *Id.* ¶ 10(a)-(g). Thus, a named party like defendant Ravin is not allowed
 to personally view material designated "Highly Confidential Information - Attorneys Eyes' Only." However,
 defendant Ravin's attorneys, along with Rimini's in-house counsel and designated experts, are permitted to
 review such material.

1 Here, good cause does not support providing defendant Ravin with a special exception from
2 the stipulated protective order to review sensitive Oracle documents prior to trial. The current
3 protective order does not prejudice defendant Ravin's defense because his in-house counsel,
4 outside counsel, and retained experts have access to such designated material and have been
5 retained to adequately represent his interests.

6 Second, Rimini's motion does not point to any specific trial exhibit proffered by Oracle that
7 Ravin must see to present his defense. The proposed trial exhibits include license agreements
8 between Oracle and particular customers that include sensitive information or non-disclosure
9 agreements. Defendants provide no reason or explanation as to why defendant Ravin needs to see
10 these materials, which he would not have seen in the normal course of his business, in order to
11 prepare for trial. Thus, proceeding under the current protective order will not prejudice his or
12 Rimini's ability to present a defense at trial. Oracle's claims against defendant Ravin center around
13 his contributions to Rimini's wrongdoing. As such, defendant Ravin does not need to have
14 personal pre-trial access to Oracle's sensitive license agreements in order to defend himself against
15 these claims as these claims are not dependent or based on Oracle's customer license agreements.

16 Finally, the court finds that there is no justification for defendants' proposed one-sided
17 modification. The proposed modification only allows defendant Ravin access to Oracle's material
18 designated as "Highly Confidential," but does not provide Oracle executives or company officers
19 with similar access to Rimini's designated material. Therefore, the court shall deny defendants'
20 motion to modify the protective order.

21 IT IS THEREFORE ORDERED that defendants' motion to modify the protective order
22 (Doc. #539) is DENIED.

23 IT IS SO ORDERED.

24 DATED this 12th day of June, 2015.

25 
26 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE